

REMARKS

In accordance with the forgoing, claims 1-3, 13, 18, 20 and 21 have been amended and new claim 31 has been added. Claims 1-31 are pending and under consideration.

I. Double Patenting Rejection

Claims 1-30 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-14 and 17-27 of U.S. Patent No. 6,718,204.

A terminal disclaimer is submitted herewith to overcome the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

II. Rejections 35 USC § 102

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,215,083 (“Drane”). Claims 1, 2 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,458,619 (“Olson”). Claims 1-4, 12-13, 18-22 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,318,591 (“Causey”).

Independent claim 1 of the present invention are directed to a first circuit that is charged to deliver high-voltage electrical stimulation to the heart, the charging of the first circuit occurring during a first circuit charge time period extending from a charge time start to a charge time end, a second circuit to deliver anti-tachy pacing (ATP) therapy to the heart, the delivery of the ATP therapy occurring during an ATP therapy delivery period extending from a delivery start time to a delivery end time. A control circuit is coupled to the first and second circuits to adjust a time of charging of the first circuit relative to a time of delivering ATP therapy based on predetermined criteria, wherein the control circuit synchronizes the charge time start to be approximately simultaneous with the delivery start time. Independent claim 18 is directed to delivering anti-tachy pacing (ATP) therapy to a patient's heart, the delivery of the ATP therapy

occurring during an ATP therapy delivery period extending from a delivery start time to a delivery end time, charging a high-voltage capacitor in preparation to deliver high-voltage electrical stimulation to the heart, the charging occurring during a charge time extending from a charge time start to a charge time end, and controlling a time of performing the charging in relation to a time of performing the delivering based on a predetermined set of criteria, wherein the controlling includes synchronizing the charge start time to be approximately simultaneous with the delivery start time.

None of the referenced prior art documents teach synchronizing a delivery start time associated with delivering of ATP therapy to a charge time start associated with charging of capacitors for delivering high voltage stimulation, as set for in claims 1 and 18 of the present invention. For example, while Causey teaches synchronizing delivery of ATP with charging of capacitors for cardioversion therapy, Causey does not teach delivery of ATP therapy synchronized with charging of the defib caps (see FIG. 3 of Causey). Rather, Causey teaches charging of the defib caps to occur after delivery of cardioversion therapy, during the time that the results of the delivered cardioversion therapy is being checked to see if the delivered cardioversion therapy terminated the event. Causey does not teach delivering ATP therapy simultaneous with charging of the defib caps (i.e., high voltage stimulation). Therefore, claim 1 and claims 2-17 and 31 dependent thereon and claim 18 and claims 19-30 dependent thereon are patentably distinguishable from the referenced prior art documents. Accordingly, withdrawal of the rejections is respectfully requested.

III. Rejections 35 USC § 103

Claims 5-11, 14-17, and 23-29 stand variously rejected under 35 U.S.C. 103(a) as being unpatentable under Causey in view of U.S. Patent No. 6,400,986 (“Sun”) and further in view of U.S. Patent Number 4,830,006 (“Haluska”).

None of the referenced prior art documents, alone or in combination, teach or suggest synchronizing a delivery start time associated with delivering of ATP therapy to a charge time start associated with charging of capacitors for delivering high voltage stimulation, as set for in claims 1 and 18 of the present invention. Therefore, claim 1

and claims 2-17 and 31 dependent thereon and claim 18 and claims 19-30 dependent thereon are patentably distinguishable from the referenced prior art documents. Accordingly, withdrawal of the rejections is respectfully requested.

IV. New Claims Added

New claim 31-33 have been added. Support for new claims 31 and can be found, for example, at paragraphs 52 and 53, in reference to FIG. 4. Support for new claim 33 may be found, for example, at paragraph 57. No new matter has been added. Entry and consideration of new claims 31-33 is respectfully requested.

V. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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Date

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